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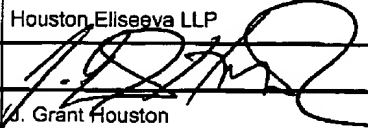
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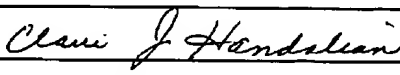
<b>TRANSMITTAL FORM</b>  <small>(to be used for all correspondence after initial filing)</small>	Application Number	09/909,330	
	Filing Date	July 19, 2001	
	First Named Inventor	Dale C. Flanders	
	Art Unit	2828	
	Examiner Name	Nguyen, Dung T.	
Total Number of Pages in This Submission	11	Attorney Docket Number	1035us

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Declaration Under 37 CFR §1.131 Attachment (6 sheets of figures)
Remarks _____		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Houston Eliseeva LLP		
Signature			
Printed name	J. Grant Houston		
Date	February 5, 2005	Reg. No.	35,900

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name	Claire J. Handalain	Date	February 3, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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FEB 03 2005

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re:	Dale C. Flanders	Confirmation No:	9626
Serial No:	09/909,330	Group:	2828
Filed:	July 19, 2001	Examiner:	Nguyen, Dung T.
For:	Fixed Wavelength Single Longitudinal Mode Coolerless External Cavity Semiconductor Laser System		
Customer No.:	25263		
Attorney Docket No.	1035us		

REPLY TO OFFICE ACTION

VIA FACSIMILE: 703-872-9306  
Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

In response to the pending Office Action, mailed November 3, 2004 (Paper No. 20041031), please find attached a Declaration Under 37 CFR §1.131 with eight figures (attached sheets 1-6).

Reconsideration is requested in view of the following comments.

Claims 1-16, 18-20 and 29 are pending in this application. Claims 21-28 are withdrawn.

The primary reference of the rejections of the pending claims was the Daiber application, 2003/0021303.

Application No.: 09/909,330  
Amendment dated: February 3, 2005  
Reply to Office Action of November 30, 2004  
Attorney Docket No.: 1035us


As described in the attached Declaration under Rule 131, the inventor had conceived of the present claimed invention prior to the filing date (July 6, 2001) of the Daiber application. Moreover, he diligently worked to the effective reduction to practice that is constituted by the filing of the instant application over the subsequent thirteen days between the July 6<sup>th</sup> date and the filing date of the instant application, which was July 19, 2001. Thus, the Hall patent is not prior art.

And, since the Daiber Patent US 6,822,979, which issued from the 2003/0021303 application, claims a different invention from that claimed in the instant application, it is eligible to be removed by this Rule 131 Declaration.

Thus, the pending rejections are overcome. In short, with the removal of the Daiber application, none of the other references, either together or separately, shows or suggests the present claimed invention.

Applicant believes that the present application is in condition for allowance. A Notice of Allowance is respectfully solicited. Should any questions arise, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

By   
J. Grant Houston  
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Tel.: 781 863 9991  
Fax: 781 863 9931

Lexington, Massachusetts 02421  
Date: February 3, 2005